

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------|---|----------------------|
| GEORGE MYERS LIVESTOCK, |) | |
| |) | |
| Plaintiff, |) | 4:07CV3075 |
| |) | |
| v. |) | |
| |) | |
| WEST POINT CUSTOM FEEDERS, |) | MEMORANDUM AND ORDER |
| JEREMY RITTER, RICHARD |) | |
| REPPERT, UNKNOWN PARTNERS OF |) | |
| WEST POINT CUSTOM FEEDERS, |) | |
| and THOMAS BLAZEK, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Counsel of record for the plaintiff, David A. Jarecke, Mathew T. Watson, and the Crosby Guenzel Law Firm, LLP have moved to withdraw. Filing 42. In support of their motion, plaintiff's counsel explains that the plaintiff has not paid for legal services for over a year and admits it will be unable to pay future legal expenses; the plaintiff refuses to listen to or follow the advice of counsel; and the relationship between the plaintiff and its counsel of record has become confrontational. The court finds that for the reasons cited by plaintiff's counsel, their motion to withdraw should be granted.

The court specifically notes, however, that the plaintiff is a Tennessee General Partnership. Filing 14, ¶ 1. A legally created entity can appear in the federal courts of the United States only through licensed counsel. Rowland v. California Men's Colony, 506 U.S. 194, 201-202 (1993)(citing Eagle Associates v. Bank of Montreal, 926 F.2d 1305, 1310 (2d Cir. 1991)(holding a partnership cannot proceed as a pro se litigant in the federal courts)).

Finally, the plaintiff's amended complaint, filing 14, fails to allege the citizenship of the plaintiff's partners, and therefore it fails to adequately allege the existence of federal diversity subject matter jurisdiction. See Carden v. Arkoma Associates, 494 U.S. 185, 188 (1990).

IT THEREFORE HEREBY IS ORDERED:

1. The motion to withdraw, filing 42, filed by David A. Jarecke, Mathew T. Watson, and the Crosby Guenzel Law Firm, LLP, is granted, effective upon the filing of a certificate of service or affidavit indicating that the plaintiff has been served with a copy of this order.
2. Plaintiff is given 30 days from the date of this order to obtain the services of substitute counsel and have that attorney file an appearance in its behalf, in the absence of which the court may dismiss this lawsuit without further notice.
3. This case is stayed until further order of the court.

DATED this 16th day of April, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge